

REMARKS/ARGUMENTS

Claims 1-25 are pending in the present application. The Office Action, mailed April 27, 2007, rejected claims 17-20 under 35 U.S.C. § 101 and rejected claims 1-25 under 35 U.S.C. § 103. Claims 1, 17 and 22 have been amended. Claim 21 has been canceled.

Applicants respectfully respond to the Office Action.

I. Specification

The Office Action suggested the inclusion of a Brief Summary of the Invention heading. Office Action, pages 2-4. The relevant section of the MPEP states that the “following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant’s use.” MPEP 608.01(a) ¶ 6.01. Applicant respectfully submits that the suggested inclusion of a Brief Summary of the Invention heading is merely a suggestion and requests that any objection to the Specification headings be withdrawn.

II. Claims 17-20 Rejected Under 35 U.S.C. § 101

The Office Action rejected claims 17-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 17-20 have been amended to recite “a set of executable instructions on a computer readable medium.” In view of this amendment, Applicant submits that these claims are directed toward statutory subject matter and requests that the rejection of these claims be withdrawn.

III. Claims 1-25 Rejected Under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0063880 to Raney (hereinafter, “Raney”) in view of U.S. Patent No. 6,519,048 to Tanaka (hereinafter, “Tanaka”). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims

in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1 recites “creating a background process on a computer system for monitoring the status of the imaging job.” Raney, alone or in combination with Tanaka, does not teach or suggest this claim element. Instead Raney teaches “device monitoring software [that] comprises the software that monitors functioning of the computing device.” Raney, par. [0018], Fig. 2. Raney further teaches that the “device monitoring software can be configured to monitor communications sent by and to the computing device,” as well as “track the performance of the communications of the computing device.” Raney, pars. [0019], [0027]. Simply put, “monitor[ing] communications” and “track[ing] the performance of the communications” is different than “monitoring the status of the imaging job.” While Raney does generally teach “monitor[ing] communications,” the specific example taught is “track[ing] how often the signals transmitted by the computing device are interrupted during transmission.” Raney, par. [0027]. Raney also teaches “track[ing] the percentage of data packets that collide with other packets transmitted across network system.” Raney, par. [0027]. Since tracking “how often the signals...are interrupted” and “the percentage of data packets that collide with other packets” is not the same as “monitoring the status of the imaging job,” Raney does not teach this limitation.

Likewise, the “print system monitor” taught in Raney does not teach this limitation. “[T]he print system monitor compiles this health data [about the various system components] and conveys it in a user-friendly format to the user...to inform the user as to the details of print system conditions and capacity.” Raney, par. [0020]. This is different than a “background process on a computer system for monitoring the status of the imaging job.” Specifically, Raney doesn’t teach “monitoring the status of the imaging job,” but rather communicating, compiling, and conveying “the details of print system conditions and capacity.” The “print system monitor” does not refer to a specific “imaging job,” but only “print system conditions and capacity” generally. Thus, Raney does not teach “a background process on a computer system for monitoring the status of the imaging job.”

Claim 1 also recites “wherein the background process is initiated by the despooling subsystem.” Raney, alone or in combination with Tanaka, does not teach or suggest this claim element. Instead Raney teaches “despoolers located on the print server” that “monitors the time with which it takes to transfer print data from the queue to the printer.” Raney, par. [0027], [0028]. “[L]ong data transfer durations from the print queue to the printer by the despoiler can identify problems with the printer or the despooler.” Raney, par. [0028]. There is, however, no mention of a “background process [that] is initiated by the despooling subsystem.” At most, Raney teaches that “the information collected by the...despooler [is] communicated to the print system monitor [which then] can make a determination as to the health of these print system components.” Raney, par. [0028]. This process cannot reasonably be construed as a “background process for monitoring the status of the imaging job.” Rather, the process in Raney allows the “print system monitor” to “make a determination as to the health of these print systems.” Again, there is no specific “imaging job” monitored by the process initiated by the “despoolers” in Raney, only the “health of these print system components.” Since the process initiated by the “despoolers” in Raney does not “monitor the status of the imaging job,” Raney does not teach this limitation.

Claim 1 has also been amended to recite “receiving the status message by the background process, wherein the status message is sent by the imaging device in response to successful completion of the imaging job or an error occurring.” This amendment is supported by at least

paragraph 66 of Applicant's specification. Raney, alone or in combination with Tanaka, does not teach or suggest this claim element.

Instead Raney teaches "an example printing sequence used in the network system." Raney, par. [0022] (referring to Fig. 4). This "printing sequence" ends when the "printer receives print data" and then "prints data." Raney, Fig. 4, blocks 414, 416, and 418. There is no mention of a "status message," especially one that "is sent by the imaging device in response to successful completion of the imaging job or an error occurring." Since there is no "status message" taught in Figure 4 of Raney, it follows that "receiving the status message by the background process" is also not taught.

Additionally, Raney teaches that "[o]ptionally, a printing complete notice can be conveyed to the sender." Raney, par. [0025]. This does not teach or suggest "sending a status message to the computing device using the network address; and receiving the status message by the background process, wherein the status message is sent by the imaging device in response to successful completion of the imaging job or an error occurring." Raney teaches that it is "conveyed to the sender." As best understood by Applicant, this "sender" of Raney appears to be a person. For example, Raney states that "warnings can be conveyed via a pop-up message box provided to the print job sender and/or network administrator." Raney, par. [0031]. "In another example, an e-mail message can be delivered to the sender and/or network administrator." Raney, par. [0031]. Accordingly, the "sender" in Raney does not teach or suggest "a background process on a computer system for monitoring the status of the imaging job" as in Applicant's amended claim 1.

Likewise, the "method for monitoring a print system" taught in Raney does not teach this limitation. Raney, par. [0026], Fig. 5. Raney teaches conveying "health information to [the] user" and if there is a "problem detected," conveying a "warning message to user(s)." Again, the "user" taught in Raney does not teach or suggest a "background process on a computer system for monitoring the status of the imaging job."

In view of the forgoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

The Office Action rejected Claims 2-16 under 35 U.S.C. § 103 based on Raney in view of Tanaka. This rejection is respectfully traversed. It is well settled that if an independent claim is patentable over the cited art, then all claims depending from the independent claim are similarly patentable. M.P.E.P. § 2143.03 (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious”). In this case claims 2-16 depend either directly or indirectly from claim 1. As noted above, claim 1 is patentable and nonobvious over the cited references. Accordingly, as the independent claim is patentable over these references, dependent claims 2-16 (which depend from independent claim 1) are similarly allowable. Favorable consideration and withdrawal of this rejection is respectfully requested.

Claims 17 and 22 include similar limitations as argued above with respect to claim 1. Applicant respectfully requests that the rejection of claims 17 and 22 be withdrawn for the same reasons as those presented in connection with claim 1.

Claims 18-20 depend either directly or indirectly from claim 17. Claims 23-25 depend either directly or indirectly from claim 22. Accordingly, Applicant respectfully requests that the rejection of claims 18-20 and 23-25 be withdrawn for the same reasons as those presented in connection with claims 17 and 22 because Raney and Tanaka, alone or in combination, do not teach or suggest all of the elements of claims 17 and 22.

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Amdt. dated July 27, 2007
Reply to Office Action of April 27, 2007

IV. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', written in a cursive style.

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